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KASEY K. FAGIN

WILLIAMS CENTER TOWER 1
ONE WEST THIRD STREET, SUITE 900
TULSA, OKLAHOMA 74103
TELEPHONE: (918) 582-1234
TELECOPIER: (918) 585-9447

www.bestsharp.com

JOSEPH M. BEST **
JOSEPH A. SHARP +
AMY E. KEMPFERT*

Of Counsel
WILLIAM F. PATTEN
JENNIFER J. KEGLOVITS
**1925-2017
+1921-2009
*Retired

December 16, 2021

via email only jsbryan@bryanterrill.com

J. Spencer Bryan
Bryan & Terrill Law, PLLC
3015 E. Skelly Drive, Suite 400
Tulsa, OK 74105

Re: Lakey v. City of Wilson
Our File No. 188-149

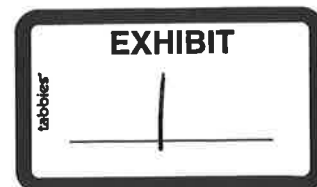
Dear Mr. Bryan:

We are in receipt of your Notice of Intent to Pursue Rule 11 Sanctions (Doc. 215), the filing of which was the first and only communication from you regarding this issue. Your Notice is procedurally improper, and your proposed motion for sanctions is factually and legally without merit, filled with inaccurate and incomplete misstatements to the Court. In your proposed motion, you state that "it appears Schaaf and Coley submitted demonstrably false affidavits to avoid liability for other crimes committed by Josh Taylor." (Doc. 215-1, pg. 6). Your demonstrably false statement, and in fact your entire frivolous motion, is premised on the words "Interim Chief" which appear on the July 24, 2017, notification to CLEET, which is attached as Exhibit 1 to your frivolous motion. (Doc. 215-1, pg. 10).

Not only have you taken the phrase "interim chief" completely out of context, and improperly and deceitfully conflated that phrase with "acting chief", but your proposed motion completely ignores and distorts the context in which the Affidavits of Mayor Schaaf and Chief Coley were submitted. In both your Second Amended Complaint and Third Amended Complaint, you alleged that in July 2019 Josh Taylor was "the acting police chief for Wilson" and therefore Taylor was the final policymaker for Wilson. (Doc. 54; Doc. 87; Doc. 115).

In some contorted exercise of semantic gymnastics, you point to Chief Coley's July 2017 appointment as "Interim Chief" as creating some contradiction with the Affidavits. The Affidavits have nothing whatsoever to do with Chief Coley's interim appointment in 2017. As I am sure you know from reading the City Council Minutes that were provided to you through discovery, former Police Chief Felix Hernandez was suspended without pay in July 2017. (See attached DEF 0704-0705, City Council Meeting Minutes July 17, 2017). Shortly thereafter, he submitted his letter of retirement from his position as Wilson Police Chief. His suspension and retirement created a vacancy, which would leave the City of Wilson without any Chief of Police. In

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accordance with state statute (11 O.S. §9-118), the Mayor appointed Kevin Coley as "Interim Chief" to fill the vacancy until the next regular election, and City Council accepted Hernandez's retirement letter and approved Coley's appointment as Interim Chief at its next regular Council Meeting on July 27, 2017. (See attached DEF 0706-0707, City Council Meeting Minutes July 27, 2017). The City notified CLEET of the City's "Department Head Change" and Coley's appointment as Interim Chief. (Doc. 215-1, pg. 10) City notified CLEET of Hernandez's retirement effective July 24 2017. (See attached Notice of Employment/Termination, signed and submitted by Chief Coley on July 26, 2017.) Coley served as the City's one and only Chief of Police until the election in April 2019. And, as you know, Chief Coley ran unopposed and was elected by the citizens of Wilson, and has continued to serve as the City's one and only Chief of Police since the April 2019 election. The City notified CLEET of Coley's title change, removing the word "Interim" from his title as Chief. (Doc. 215-1, pg. 11). Consistent with the Affidavits filed with the Court, Kevin Coley's records that you recently obtained from CLEET establish that he has served, uninterrupted, as Wilson's only Chief of Police since July 2017.

You have also obtained the entire file of Joshua Taylor from CLEET. As you know, there is nothing in his file indicating that CLEET was ever notified of any acting or interim appointment of Taylor as Wilson's Chief of Police. Joshua Taylor's CLEET file also confirms and supports the truth and accuracy of the Affidavits submitted by Kevin Coley and Frank Schaaf.

By ignoring the clear and unequivocal factual record regarding Chief Coley's appointment and election and the clear absence of any factual information or documentation that contradicts the truth of the Affidavits in question, your proposed motion for sanctions is, at best, willfully and recklessly misleading. At worst, it is intentionally deceptive. Since you chose to improperly file your proposed motion for sanctions with the Court as an attachment to your "Notice", I urge you to immediately withdraw your Notice of Intent to Pursue Rule 11 Sanctions. Should you fail or refuse to do so and instead press forward with your frivolous motion, please be aware we will seek to recover all expenses and attorneys' fees incurred in responding to your motion, as provided in FRCP Rule 11.

As is your habit and practice, you fired off your frivolous "Notice" without first making any effort to discuss the subject in an effort to resolve any disagreement or dispute without involving the Court. Nevertheless, as always, I would be more than happy to discuss any of these issues with you.

Sincerely,



Thomas A. LeBlanc

TAL/dvl
 cc: All Counsel of Record

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